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Notice of Allowability	Application No.	Applicant(s)	
	10/680,599	GAMBLE, KIMBERLY R.	
	Examiner	Art Unit	
	Nashmiya S. Fayyaz	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/21/05.
2. ☒ The allowed claim(s) is/are 1-7 and 10-20.
3. ☒ The drawings filed on 07 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/7/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kenneth Watkins on June 7, 2005.

The application has been amended as follows:

1. (currently amended) A sample processing device for liquid sample processing, intake and discharge from a sample vessel, the device comprising:
a body comprising a top portion, a bottom portion and a reduced-diameter chamber;
a septum disposed on said top portion of said body;
a drip tube ~~portion disposed on~~ comprising a bottom opening and defining a bottom end of said bottom portion of said body, said ~~drip tube portion comprising~~
a bottom opening in fluid communication with said septum;
a conical needle guide disposed between said septum and said reduced-diameter chamber; and
a processing chamber disposed between said bottom opening and said reduced-diameter chamber;
wherein a diameter of said reduced-diameter chamber and said bottom opening of said drip tube are less than one half of a diameter of said processing chamber
and said drip tube extends downwardly from said body and converges inwardly from said processing chamber to define a drip tube nozzle of diameter sufficiently

small for excessive sample to converge into a single drop on said nozzle when said nozzle is inserted and removed from a liquid sample in said sample vessel.

2. (original) The sample processing device of claim 1 wherein said diameter of said reduced-diameter chamber and said bottom opening of said drip tube are less than one fourth of said diameter of said processing chamber.
3. (original) The sample processing device of claim 1 wherein said diameter of said reduced-diameter chamber and said bottom opening of said drip tube are less than one eighth of said diameter of said processing chamber.
4. (original) The sample processing device of claim 1 wherein a length of said reduced-diameter chamber is greater than four times a diameter of said reduced-diameter chamber to define an axial alignment portion of said sample processing device with a penetrating sample deposit/extraction element inserted into the device.
5. (original) The sample processing device of claim 1 wherein a length of said reduced-diameter chamber is greater than eight times a diameter of said reduced-diameter chamber to define an axial alignment portion of said sample processing device with a penetrating sample deposit/extraction element inserted into the device.
6. (currently amended) The sample processing device of claim 1 wherein said ~~drip tube portion comprises~~ a drip nozzle having a length of at least two times a diameter of said bottom opening.

7. (currently amended) The sample processing device of claim 1 wherein said ~~drip tube portion comprises a~~ drip nozzle having a length of at least four times a diameter of said bottom opening.

8. (canceled)

9. (canceled)

10. (currently amended) The sample processing device of claim 1 wherein said drip tube ~~portion~~ comprises an end cap engaged to said bottom portion of said body.

11. (original) The sample processing device of claim 10 wherein said end cap comprises a support element for a processing element disposed in said processing chamber.

12. (currently amended) The sample processing device of claim 1 comprising a sample processing element disposed in said ~~sample~~ processing chamber.

13. (currently amended) A sample processing device for ~~testing samples~~ liquid sample intake and discharge from a sample vessel, the device comprising:
a body comprising a top portion, a bottom portion and a reduced-diameter chamber;
a septum disposed on said top portion of said body;
a drip tube ~~portion disposed on~~ comprising a bottom opening and defining a bottom end of said bottom portion of said body and ~~comprising a~~ said bottom opening in fluid communication with said septum; and

a processing chamber comprising a diameter greater than a diameter of said reduced-diameter chamber disposed between said drip tube ~~portion~~ and said reduced-diameter chamber;

wherein said drip tube ~~portion~~ extends downwardly from said body and converges inwardly from said processing chamber to define a drip tube nozzle of diameter sufficiently small for excessive sample to converge into a single drop on said nozzle when said nozzle is inserted and removed from a liquid sample in said sample vessel.

14. (original) The sample processing device of claim 13 wherein said drip tube nozzle is conical in shape and comprises an end diameter of less than one-eighth inch.

15. (original) The sample processing device of claim 13 wherein said drip tube nozzle is conical in shape, extends at least one quarter inch in length and comprises an end diameter of less than one-eighth inch.

16. (original) The sample processing device of claim 13 comprising a conical guide disposed between said septum and said reduced-diameter chamber.

17. (original) The sample processing device of claim 14 wherein said reduced-diameter chamber comprises a length-to-diameter ratio of greater than 4 whereby said reduced-diameter chamber provides axial alignment of a penetrating sample deposit/extraction element inserted into said reduced-diameter chamber.

18. (original) The sample processing device of claim 14 wherein said reduced-diameter chamber comprises a length-to-diameter ratio of greater than 8 whereby said reduced-diameter chamber provides axial alignment of a penetrating sample deposit/extraction element inserted into said reduced-diameter chamber.

19. (currently amended) A method of testing samples, the method comprising the steps:

inserting a penetrating sample deposit/extraction element into a sample processing device, said sample processing device comprising a top and a bottom opening of a drip tube defining an axial direction, a septum seal in an upper portion of the device, a reduced-diameter chamber disposed between said septum seal and said drip tube and communicating with ~~an open~~ said bottom end opening of said device, and ~~a drip tube processing chamber~~ disposed between said bottom opening and said reduced-diameter chamber wherein said drip tube extends downwardly from said body and converges inwardly from said processing chamber to define a drip tube nozzle of diameter sufficiently small for excessive sample to converge into a single drop on said nozzle;

transferring sample fluid between said penetrating sample deposit/extraction element and a first sample vessel via said device; and

physically positioning said sample processing device to another sample processing location by movement of said penetrating sample deposit/extraction element.

20. (currently amended) The method of testing samples of claim 19 comprising the additional steps:

transferring said sample fluid through a processing element disposed in said sample processing device during said step of transferring sample fluid between said penetrating sample deposit/extraction element and said device; and transferring said sample fluid between said penetrating sample deposit/extraction element and a ~~sample container~~ second sample vessel after said step of physically positioning said sample processing device to another sample processing location by movement of said penetrating sample deposit/extraction element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashmiya S. Fayyaz whose telephone number is 571-272-2192. The examiner can normally be reached on Mondays and Thursdays.

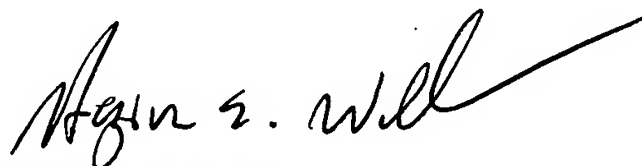
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NFayyaz
Examiner
Art Unit 2856

nf
6/7/05



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800